HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 2827(S/S)01:
(Old no. 3174/2000)

Suresh Chandra Bhatt S/o Sri Ram Surat,
R/o village Jaspur, Patti Bargaddi,
Tehsil Bhatwari, Distt. Uttarkashi. ----Petitioner.

Vs.

1. State of Uttar Pradesh,
2. District Magistrate, Uttarkashi,
3. Up Ziladhikari, Purola, Uttarkashi. ----Respondents.

Sr. H.M. Raturi, learned counsel for the petitioner,
Learned Standing Counsel for the State of Uttaranchal/respondent no. 2 & 3.

Hon'ble M.M. Ghildiyal, J.

Heard Sri H.M. Raturi, learned counsel for the petitioner and learned Standing Counsel for State of Uttaranchal/ respondent nos. 2 & 3.

2. By means of this writ petition, the petitioner has challenged the order dated 03.01.2000 passed by the District Magistrate, Uttarkashi suspending the petitioner, who was working as 'Patwari' at Chakragaon, Tehsil Barkot, District Uttarkashi. By the aforesaid order, the petitioner was suspended on the charge that he did not report to the Sub Divisional Magistrate, Barkot about the illegal encroachment on the Govt. land done by the people at Barkot.

3. Counsel for the petitioner has submitted that the petitioner has already submitted a report to the Sub Divisional Magistrate concerned on 15.12.1999, much prior to the passing of the impugned order, wherein he has submitted a detailed

report indicating the names of the persons who have encroached upon the Govt. land.

4. On 20.01.2002, the Allahabad High Court stayed operation of the impugned order dated 03.01.2000 passed by the District Magistrate, Uttarkashi.

5. In this case, the Sub Divisional Magistrate, Purola was appointed Inquiry Officer by the District Magistrate, Uttarkashi, however, since the suspension of the petitioner was stayed by the Allahabad High Court, the inquiry could not be conducted by the Sub Divisional Magistrate, Purola. More than six years have been elapsed, the suspension order was stayed by the Allahabad High Court. In the circumstances I think it justified and proper to quash the suspension order with a direction to the respondents to conclude the inquiry initiated against the petitioner within a particular period prescribed by the Court.

6. Accordingly, the suspension order dated 03.01.2000, passed by District Magistrate, Uttarkashi, is hereby quashed. The respondents are directed to conclude the inquiry against the petitioner on the allegations made against him within a period of three months from the date of production of a certified copy of this order.

7. With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

April 26, 2006:
NCM: